

REMARKS

Reconsideration of the application is respectfully requested.

Applicants respectfully request that the Declaration by inventor Iain Campbell, an employee of an affiliate of the assignee herein, be entered and considered. The Office's position is that it was obvious to a person of ordinary skill in the art to dispense the frozen aerated product of Malone et al., US Patent Application Publication No. US 2003/0134024 in the device of Cornelius, US Patent No. 3,233,779. Inventor Campbell concludes in paragraph 5 that the apparatus described by Cornelius would not dispense the frozen aerated product of Malone et al. due to the semi-solid and highly viscous nature of a frozen confection such as that described by Malone et al.

It is unclear why the Office takes the position that a skilled artisan would expect that the Cornelius apparatus, disclosed as an apparatus for dispensing carbonated beverages and having a bore size of 0.100 inch, with a diameter which may be slightly increased to 1/8 inch, would be suitable for dispensing the frozen confection. Moreover, inventor Campbell indicates that the length of the hose and the bore diameter would not permit dispensing of the frozen confection described by Malone et al.

For the reasons given above and in inventor Campbell's declaration, it is respectfully submitted that one of ordinary skill would not combine the Malone et al. and Cornelius references in the manner suggested by the Office.

In view of the foregoing, it is respectfully requested that the rejection be withdrawn.

Respectfully submitted,



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